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Docket: NRC-2018-0279

Pilgrim Nuclear Power Station; Consideration of Approval of Transfer of License and Conforming Amendment

Comment On: NRC-2018-0279-0001

Pilgrim Nuclear Power Station; Consideration of Approval of Transfer of License and Conforming Amendment

Document: NRC-2018-0279-DRAFT-0013

Comment on FR Doc # 2019-00371

Submitter Information

Name: Matthew Beaton

Submitter's Representative: Matthew Beaton

Organization: Executive Office of Energy and Environmental Affairs

Government Agency Type: State

Government Agency: Executive Office of Energy and Environmental Affairs

General Comment

See attached file(s)

Attachments

Massachusetts comments on Holtec PSDAR (3-4-19)



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/eea>

March 4, 2019

By E-Submission & U.S. Mail
Secretary Annette Vietti-Cook
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

RE: Comments in Docket No. NRC-2018-0279
Revised Post-Shutdown Decommissioning Activities Report

Dear Secretary Vietti-Cook:

I write on behalf of the Executive Office of Energy and Environmental Affairs for the Commonwealth of Massachusetts and the Baker-Polito Administration to comment on the Revised Post-Shutdown Decommissioning Activities Report (“Revised PSDAR”) and Revised Site-Specific Decommissioning Cost Estimate (“DCE”) for the Pilgrim Nuclear Power Station (“Pilgrim”), submitted in conjunction with the License Transfer Application filed by Entergy Nuclear Operations, Inc. (Entergy) and Holtec International (Holtec).¹

The Commonwealth supports the expeditious cleanup and site restoration of the Pilgrim site, as could be achieved under the so-called “DECON” decommissioning method proposed by Holtec. However, Holtec, if the license transfer application is allowed, must clean up and restore

¹ The Nuclear Regulatory Commission (“NRC”) indicated in its publication of the license transfer application that it would accept public comment on both the “application for the proposed license transfer *and the associated updated [PSDAR].*” 84 Fed. Reg. 816, 817 (Jan. 31, 2019) (emphasis added). The Revised PSDAR is contingent on the NRC’s approval of the proposed license transfer and was submitted as a notification of a change in the actions and schedules set forth in the current licensee Entergy’s PSDAR, pursuant to 10 C.F.R. § 50.82(a)(7). See Ltr. from Holtec to NRC, Subj.: *Notification of Revised Post-Shutdown Decommissioning Activities Report and Revised Site-Specific Decommissioning Cost Estimate for Pilgrim*, Docket Nos. 50-293 & 72-1044 (Nov. 16, 2018) (ADAMS Accession No. ML18320A040).

the site in a manner that complies with all applicable state and federal cleanup standards and procedures, and does not leave the Commonwealth with the potential financial burden of paying for unanticipated costs for which Holtec, as the proposed licensee and responsible party, has not adequately prepared in its PSDAR and DCE. The Commonwealth's prior experience with the decommissioning and site restoration at the Yankee Nuclear Power Plant in Rowe, Massachusetts, provides clear evidence of cost overruns that are bound to occur at Pilgrim, as explained in the expert declarations submitted by, among others, officials at the Massachusetts Departments of Environmental Protection and Public Health with the Commonwealth's February 20, 2019 Petition for Leave to Intervene and Hearing Request (the "Petition").² The decommissioning and site restoration work at Pilgrim must also prioritize public safety as radiological materials are moved from wet to dry storage, and during any transportation of both radiological and non-radiological hazardous materials and solid waste within and out of the Commonwealth.

Holtec's Revised PSDAR and DCE fail to adequately address the above issues in its proposal for decommissioning, site restoration, and license termination at Pilgrim. In particular, we reiterate the concerns raised in the Commonwealth's Petition about whether adequate financial assurance exists to demonstrate Holtec's ability to complete these activities. Holtec's own cost estimate shows that the Decommissioning Trust Fund leave a mere \$3.6 million on the assumed license termination date, notwithstanding the \$1.030 billion that Entergy and Holtec have committed to include in the Trust Fund on the date of a potential transfer of Pilgrim's license to Holtec. *See* Table 5-1 of DCE. Holtec's cost estimate, as the Commonwealth explained in its Petition, fails to consider numerous, plausible contingencies that could greatly inflate decommissioning, site restoration, and spent fuel management costs far beyond the \$3.6 million "cushion." For example, the cost estimate fails to consider the real possibility that spent fuel will remain at the site for an indefinite period, in the event the U.S. Department of Energy does not accept the spent fuel within the time frame assumed in the Revised PSDAR.

The Revised PSDAR and DCE also include an insufficient level of detail for the NRC to make a reasonable, informed decision on the license transfer and for the public to comment. With regard to the latter, the lack of detail in these submissions makes it impossible for any member of the public to determine whether Holtec's proposed work plan will comply with all applicable requirements or whether adequate financial assurance exists. For instance, the Revised PSDAR lacks critical details with respect to the scope and cost of the proposed work in Sections 2.4.2 (site characterization), 2.4.6-2.4.7 (waste management and transportation), and 2.4.10 (site restoration)—details that are necessary to assess whether the proposed work will, in fact, comply with all applicable state and federal standards. In addition, the dollar amounts in Tables 3-1 to 3-4 of the DCE do not appear to include any funding for emergency preparedness, and do not specify the precise staffing levels that Holtec will maintain during the critical transition from wet to dry storage and thereafter. The DCE does not include a breakdown of the specific costs and assumptions for each line item in the DCE. In short, the paucity of information strongly supports granting the Commonwealth's Petition for intervention and hearing, prior to any decision by NRC on the license transfer application, Holtec's request for an unconditional exemption to use Pilgrim's Decommissioning Trust Fund for site restoration and spent fuel management costs, or acceptance of the Revised PSDAR and associated DCE.

² These comments hereby incorporate by reference the contentions and supporting materials included in that Petition as if they were set forth in full here.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Beaton". The signature is written in a cursive style with a large, prominent initial 'M'.

Matthew Beaton
Secretary